

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Mary Smith, individually, and as special  
administrator of the Estate of James Perea,

Plaintiff

v.

Las Vegas Metropolitan Police Department,  
et al.,

Defendants

Case No.: 2:23-cv-00092-JAD-NJK

**Order Lifting Bankruptcy Stay for Metro  
Defendants**

[ECF No. 139]

Mary Smith sues Las Vegas Metropolitan Police Department (Metro), its healthcare contractor Wellpath, LLC, and various correctional officers and medical and support staff at the Clark County Detention Center (CCDC) for the circumstances surrounding her son James Perea's death while he was being held in an isolation cell at the jail.<sup>1</sup> In late 2024, Wellpath filed for bankruptcy protection, effectively staying this case under 11 U.S.C. § 362.<sup>2</sup> But last month, the parties filed a stipulation to lift that stay as to defendants Metro and correctional officers Vanessa Mitchell and Don'te Mitchell only, demonstrating that the bankruptcy court had modified the automatic stay to allow claims in various lawsuits (including this one) to "proceed against specific parties who are independent from Wellpath, LLC."<sup>3</sup> The parties ask that the stay be lifted so that Smith's claims may proceed against the Metro defendants, and they seek a schedule for those defendants to file renewed motions for summary judgment.<sup>4</sup>

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<sup>1</sup> ECF No. 10.

<sup>2</sup> ECF No. 136.

<sup>3</sup> ECF No. 139.

<sup>4</sup> *Id.*

1 IT IS THEREFORE ORDERED that the parties' stipulation to lift the stay of Smith's  
2 claims against the Las Vegas Metropolitan Police Department, Vanessa Mitchell, and Don'te  
3 Mitchell (the Metro defendants) only [ECF No. 139] is **GRANTED**. The stay remains in place  
4 as to the Wellpath defendants.

5 IT IS FURTHER ORDERED that the Metro defendants have until **April 25, 2025**, to file  
6 renewed motions for summary judgment. Smith's responses will be due by **May 16, 2025**. The  
7 defendants' replies are due by **May 30, 2025**.

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9 U.S. District Judge Jennifer A. Dorsey  
April 17, 2025